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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------------|-----------------------------|
| 10/599,198 | 09/22/2006 | Alan James Maple | 70933-0162 | 5673 |
| 20915 | 7590 | 12/24/2009 | | |
| MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503 | | | EXAMINER BOSWELL, CHRISTOPHER J | |
| | | | ART UNIT 3673 | PAPER NUMBER |
| | | | NOTIFICATION DATE 12/24/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@mcgarrybair.com

| | | | |
|------------------------------|--|-------------------------------------|--|
| Office Action Summary | Application No. 10/599,198 | Applicant(s) MAPLE ET AL. | |
| | Examiner CHRISTOPHER BOSWELL | Art Unit 3673 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,731,212 to Hirose et al.

Hirose et al. disclose a lock mechanism for use with a component (2) to be locked by the mechanism and which is securable to the lock mechanism or is releasable therefrom, which lock mechanism comprises a housing (10) having a bore (13), a retaining member (22) slidably received in the bore for movement between a first position (figure 8) where the retaining member is engageable with the component and a second position (figure 6) where the retaining member is disposed deeper in the bore and cannot be disengaged from the engaged component, a catch member (9) movable between active (the retaining member engaging the catch member) and inactive positions (the retaining member removed from the catch member), the catch member being in its inactive position when the retaining member is in its first position but on moving the retaining member to its second position the catch member moves to its active position engaged with the retaining member to hold the retaining member in its second position, and on moving the catch member back to its inactive position again the retaining member is freed for movement to its first position, an auxiliary lock (3) for the retaining member the auxiliary lock being

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operable to hold the retaining member in its second position irrespective of operation of the catch member to its inactive position, an indicator (8) for indicating the locking condition of the mechanism and having at least two indicating states (buzzer being silent when the retaining member is inserted into the lock mechanism and being activated by an alarm signal; column 3, lines 40-45), and an electronic control unit (7) driving the indicator and having an input (column 6, lines 14-22) derived from the catch member to indicate when the catch member is in its active position, and the control unit further being responsive to an external signal (via antenna 71) to effect sealing of the lock mechanism and to operate the auxiliary lock, whereby a first indicating state (the buzzer not being actuated) of the indicator shows whether sealing of the lock mechanism is intact and a second indicating state (the buzzer admitting a alarm signal) shows whether an attempt has been made to release the lock mechanism since the lock mechanism was last sealed (column 6, lines 24-36), as in claim 1.

Hirose et al. also disclose the auxiliary lock includes a bolt (figure 4) having locked and free positions, the bolt in its locked position engaging the retaining member to prevent movement thereof from its second position and the bolt when in its free position permitting the retaining member to move to or from its first position (figures 6 and 7), as in claim 2, wherein the bolt comprises a plate (figure 4) slidably mounted in the housing and having an aperture (defined between 32) the retaining member passing through the aperture and having a recess (25) engaged by the plate when in its locked position, as in claim 3, and the bolt comprises a plunger (31) mounted within the housing, the plunger when in its locked position engaging a circumferential groove (25) formed in the retaining member, as in claim 4, as well as a power-driven actuator (5) is provided to cause movement of the bolt between its the locked and free

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positions, the operation of the actuator being controlled by the control unit (figures 6 and 7), as in claim 5, wherein sealing of the lock mechanism causes the bolt to be moved to its locked position to prevent subsequent movement of the retaining member to its first position until the lock mechanism has been unsealed (column 2, line 63, column 3, line 3), as in claim 6.

Hirose et al. further disclose the indicator has a third indicating state (the buzzer being actuated by the retaining member being broken) corresponding to the retaining member being in its second position and the catch member in its active position, but the auxiliary lock has not been operated to hold the retaining member in its second position (column 3, lines 40-45), as in claim 7, wherein the indicator has a fourth indicating state (buzzer being held silent before the retaining member is inserted into the lock mechanism) corresponding to movement of the catch member to its inactive position following sealing of the lock mechanism by the auxiliary lock, whereby the retaining member is not freed to move to its first position (column 3, lines 40-45), as in claim 8, and the control unit includes a receiver for electromagnetic waves (72) of a defined frequency whereby sealing of the lock mechanism may be performed remotely by a suitably tuned transmitter (column 6, lines 24-36) transmitting waves appropriately encoded to perform sealing of the lock mechanism, as in claim 12, as well as the component is in the form of a flexible cable (figure 1) having at one end an enlarged head (23) engageable with the retaining member, as in claim 13.

Hirose et al. additionally disclose the retaining member is in the form of a U-shaped shackle (figure 1) one end of which is free of the housing when the retaining member is in its first position, the one end being received in a further bore (figure 3) in the housing when the retaining member is in its second position, as in claim 14, as well as the retaining member has an

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intermediate portion (25) of reduced cross section and which remains in the bore in the housing when the retaining member is in its first position, the catch member being slidably mounted in a bore (bore defined by walls 16) extending transversely to and partially intersecting the bore in which the retaining member is received, the catch member having large and small diameter parts (the width of the catch is larger at one end than the other; figure 5) which when aligned with the retaining member bore correspond respectively to the active and inactive positions of the catch member, as in claim 15, wherein the catch member is spring-urged (element 9 is a biased bifurcated structure) to its active position, as in claim 16, and including an electrical switch (column 6, lines 25-36) operable on movement of the catch member between its two positions and connected to the control unit to furnish the input thereto, as in claim 17, as well as the combination of a lock mechanism as claimed claim 1 and a goods compartment (A) having an access opening provided with a door (a brief case has a lid to entrap the contents of the case) to close that opening, wherein the retaining member is engageable with a component (figure 2) associated with the compartment door, thereafter to prevent opening of the door, as in claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose et al., as applied above, in view of U.S. Patent Number 6,047,575 to Larson et al.

Hirose et al. discloses the invention substantially as claimed. However, Hirose et al. does not disclose the indicator having illumination devices. Larson et al. teaches a lock mechanism (20) having a housing (26), a retaining member (24), a latching member (68 and 94) to maintain the retaining member in a closed position, an indicator (88 and 90) for indicating the locking condition of the mechanism and having at least two indicating states (column 6, lines 4-18), and an electronic control unit (56) driving the indicator and having an input derived from the latching member to indicate when the latching member is in its active position, where the indicator has at least two indicator lights (88 and 90) the illumination whereof is controlled by the control unit, as in claim 9, in the analogous art of locking assemblies with indicative properties for the purpose of visually checking the position of retaining member with respect to the lock housing. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate visual indicators, as taught by Larson et al., into the lock mechanism of Hirose et al., where the indicator would have additional illumination means in order to allow the user to visually check the position of retaining member with respect to the lock housing.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose et al., as applied above, in view of U.S. Patent Number 6,420,971 to Leck et al.

Hirose et al. discloses the invention substantially as claimed. Hirose et al. disclose a tag control unit to transmit signals to the lock mechanism, where a receiving circuit (72) operates the

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locking and unlocking procedures (column 7, line 57-column 8, line 5). However, Hirose et al. does not disclose the tag control unit being a card. Leck et al. teaches a seal mechanism (2) having a housing (4), a retaining member (6), a catch member (12a and 12b) to retain the retaining member in a closed position, and an electronic control unit (18) to operate the catch member between open and closed positions, where the control unit includes a card reader (22 and 24) for reading information carried on a card (40), whereby sealing of the lock mechanism may be performed by a person in possession of a suitable card (40), as in claim 10, wherein the control unit is arranged to permit initial sealing of the mechanism by a first card (40) carrying appropriate information, and resealing by a second card (column 18, lines 52-54) carrying appropriate but different information, as in claim 11, in the same field of endeavor for the purpose of have remote access to the seal mechanism. It would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the tag control unit of Hirose et al. be a card, as taught by Leck et al., to actuate the locking procedures in order to have remote access to the lock mechanism.

Response to Arguments

Applicant's arguments filed September 15, 2009 have been fully considered but they are not persuasive. In response to the argument that Hirose et al. does not disclose a retaining member slidably received in a bore of the housing and engageable/ disengageable with the component, the examiner respectfully disagrees. As clearly shown in figures 5-8, the retaining member is received in the bore in an axially slidable direction. Additionally, the current claims

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are absent of any recitation requiring the component being removable from the retaining member, the current claims recite the component being engageable and not disengageable from the retaining member. Accordingly, as components 2 and 22 are connected, they are interengaged.

Regarding the argument that Hirose et al. does not disclose a catch member as claimed, the examiner respectfully disagrees. The current claims recite the “catch member [is] movable between active and inactive positions, the catch member being in its inactive position when the retaining member is in its first position but on moving the retaining member to its second position the catch member moves to its active position engaged with the retaining member to hold the retaining member in its second position, and on moving the catch member back to its inactive position again the retaining member is freed for movement to its first position,” accordingly, the claims are absent of any recitation of how the catch member moves between the active and inactive positions. Thus, the flexing of the connector pin of Hirose et al. is defined as movement as defined in the claims.

Responding to the argument that Hirose et al. does not disclose the control unit being responsive to an external signal to affect sealing, the examiner respectfully disagrees. Hirose et al. discloses the electronic control unit comprises a receiving circuit 72 provided with a receiving antenna 71 for receiving an alarm actuating signal, alarm cancel signal and unlocking signal wirelessly transmitted from outside, where the wireless signal is capable of unlocking the seal, or lock, and thus affects the sealing of the lock mechanism.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
Art Unit 3673

CJB /cb/
December 17, 2009